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COUNTY OF SANTA CLARA

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E-FILED - 9/13/07

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DWIGHT WATSON, et al.,

Plaintiffs,

v.

GLENN ALBIN, et al.,

Defendants.

No. C06-07767 RMW (RS)

**STIPULATION AND ~~PROPOSED~~
ORDER FOR PARTIAL DISMISSAL
WITHOUT PREJUDICE OF
DEFENDANT COUNTY OF SANTA
CLARA**

PLAINTIFFS AND DEFENDANT COUNTY OF SANTA CLARA, by and through their
attorneys of record, hereby stipulate as follows:

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C06-07767 RMW (RS)

1 WHEREAS, Plaintiffs' complaint filed in the above-captioned matter names the County
2 of Santa Clara ("County") as a Defendant in the First, Fourth, Sixth, Seventh, Eighth, Ninth, and
3 Tenth Causes of Action;

4 WHEREAS, Plaintiffs' First, Fourth, Sixth, Seventh, Eighth, and Ninth Causes of Action
5 allege that the County is liable to Plaintiffs for damages suffered as the result of actions and
6 omissions of members of the Santa Clara County Specialized Enforcement Team ("SCCSET");

7 WHEREAS, the County has presented to Plaintiffs a sworn affidavit attesting to the fact
8 that the County has no connection with or participation in SCCSET and the actions and omissions
9 that form the basis of liability for Plaintiffs' First, Fourth, Sixth, Seventh, Eighth, and Ninth
10 Causes of Action;

11 WHEREAS, Plaintiffs desire to continue prosecuting their Tenth Cause of Action against
12 the County; and,

13 WHEREAS, Plaintiffs no longer desire to prosecute their First, Fourth, Sixth, Seventh,
14 Eighth, and Ninth Causes of Action against the County and the County desires to no longer
15 defend against those Causes of Action, all subject to Plaintiffs retaining the right to reassert in this
16 litigation any or all of those Causes of Action against the County should they discover facts
17 providing them with a good faith belief in the right to do so;

18 THEREFORE, Plaintiffs and the County hereby stipulate and request that the Court issue
19 an Order (a) dismissing the County without prejudice from Plaintiffs' First, Fourth, Sixth,
20 Seventh, Eighth, and Ninth Causes of Action with each party to bear their own costs and
21 attorneys' fees, and (b) tolling the statute of limitations for Plaintiffs to bring a cause of action
22 against the County for causes of action related to the County's involvement in SCCSET's acts and
23 omissions for a period of six months form the date of Notice of Entry of this Order.

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1 IT IS SO STIPULATED.

2 Dated: 8-23-07

MARK MARTEL

MARK MARTEL

Attorney for Plaintiffs

DWIGHT WATSON, DANIEL FARIAS,

LAUREN WATSON, and NICOLE

WATSON

5 Dated: 8-27-07

MARK F. BERNAL

MARK F. BERNAL

Deputy County Counsel

Attorneys for Defendant

COUNTY OF SANTA CLARA

10 ORDER

11 Having considered the above Stipulation, and good cause appearing therefore, it is hereby
12 ordered that (a) Defendant County of Santa Clara is dismissed without prejudice from Plaintiffs'
13 First, Fourth, Sixth, Seventh, Eighth, and Ninth Causes of Action, with Plaintiffs and Defendant
14 County of Santa Clara to bear their own costs and attorneys' fees as to those Causes of Action,
15 and (b) the statute of limitations for Plaintiffs to bring a cause of action against the County for
16 causes of action related to the County's involvement in SCCSET's acts and omissions is tolled for
17 a period of six months form the date of Notice of Entry of this Order .

18 IT IS SO ORDERED.

20 Dated: 9/13/07

Ronald M. Whyte

HONORABLE RONALD M. WHYTE

United States District Judge